

REFERENCE TITLE: ADOT pesticide application; notice

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2312

Introduced by
Representatives Sinema, Ableser, Lujan: Campbell CH, Gallardo, Lopes,
Meza, Miranda B

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-336; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-336, to read:

28-336. Department use of pesticides: notice: website: evaluation

6 A. IF THE DEPARTMENT APPLIES ANY PESTICIDE IN ANY PUBLIC AREA,
7 INCLUDING HIGHWAY RIGHTS-OF-WAY, THE DEPARTMENT SHALL POST NOTICE OF THE
8 APPLICATION AT LEAST TWENTY-FOUR HOURS BEFORE THE APPLICATION BEGINS IN A
9 MANNER THAT GIVES REASONABLE NOTICE TO THE PUBLIC. THE NOTICE MUST REMAIN IN
10 PLACE AT LEAST FOR TWENTY-FOUR HOURS AFTER THE APPLICATION OR FOR A TIME
11 PRESCRIBED BY THE PESTICIDE LABEL, WHICHEVER IS LONGER. THE NOTICE SHALL
12 INCLUDE THE FOLLOWING:

1. THE BRAND NAME OF THE PESTICIDE.
 2. THE PESTICIDE LABEL.

15 3. MAJOR HEALTH HAZARDS AS LISTED ON THE MATERIAL SAFETY DATA SHEET.
16 B. AT LEAST TWENTY-FOUR HOURS BEFORE THE DEPARTMENT APPLIES A
17 PESTICIDE IN A PUBLIC AREA, THE DEPARTMENT SHALL PROVIDE THE FOLLOWING ON ITS
18 WEBSITE:

1. THE DATE, TIME AND PLACE OF THE APPLICATION.
 2. ALL OF THE NOTICE INFORMATION PRESCRIBED BY SUBSECTION A.
 3. THE CONCENTRATION RATE OF APPLICATION AND MATERIAL SAFETY DATA

C. THE INFORMATION PRESCRIBED BY SUBSECTION B MUST REMAIN ON THE WEBSITE AT LEAST FOR TWENTY-FOUR HOURS AFTER THE APPLICATION OR FOR A TIME PRESCRIBED BY THE PESTICIDE LABEL, WHICHEVER IS LONGER.

26 D. IF THE DEPARTMENT USES PESTICIDES, THE DEPARTMENT SHALL USE THE
27 PESTICIDES IN A MANNER THAT PRODUCES THE LOWEST LEVEL OF TOXICITY IN THE
28 ENVIRONMENT THAT IS REASONABLY PRACTICABLE.

29 E. IF THE DEPARTMENT ROUTINELY OR PERIODICALLY APPLIES PESTICIDES IN
30 ITS ORDINARY OPERATION, THE DEPARTMENT SHALL REVIEW, EVERY FIVE YEARS, THE
31 TYPE AND QUANTITY OF PESTICIDE USED TO DETERMINE WHETHER USING A PESTICIDE

32 REMAINS NECESSARY OR WHETHER A REDUCED QUANTITY OR A LESS TOXIC BRAND OR
33 SUBSTANCE IS AVAILABLE TO REASONABLY ACCOMPLISH THE SAME PURPOSE.